

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Union )  
Electric Company d/b/a Ameren Missouri )  
for Approval of a Subscription-Based )  
Renewable Energy Program )  
)

**File No. EA-2022-0245**

**ORDER ESTABLISHING PROTECTIVE ORDER**

Issue Date: August 16, 2022

Effective Date: August 16, 2022

On July 14, 2022, Union Electric Company d/b/a Ameren Missouri filed an application seeking a certification of convenience and necessity for a solar generation facility to be constructed in White County, Illinois. Ameren Missouri also filed a motion asking the Commission to issue a protective order to establish procedures for controlling the flow of highly confidential information among the parties.

The motion explains that certain material including the negotiated terms and conditions of the Build Transfer Agreement and documents reflecting such terms and conditions (the "BTA Terms") attached to the Direct Testimony of Scott Wibbenmeyer; cost and pricing information and the BTA Terms reflected in Mr. Wibbenmeyer's Direct Testimony; the terms and conditions of agreements (and documents reflecting such terms and conditions) with entities who will construct the solar and transmission-related assets covered by the Build Transfer Agreement; and responses (and documents reflecting responses) to the Ameren Missouri's solar generation Request for Proposal will not be adequately protected by the "confidential" designation under Commission Rule 20 CSR 4240-2.135. As permitted by the rule, Ameren Missouri requests a protective order to increase the level of protection for that particularly sensitive information.

The Commission set a time for responses to the motion and none were received. The Commission will grant the motion for protective order.

**THE COMMISSION ORDERS THAT:**

1. Ameren Missouri's *Motion for Protective Order* is granted as to the following information designated by Ameren Missouri as "highly confidential":

- a. negotiated terms and conditions of the BTA Terms attached to the Direct Testimony of Scott Wibbenmeyer;
- b. cost and pricing information and the BTA Terms reflected in Mr. Wibbenmeyer's Direct Testimony;
- c. the terms and conditions of agreements (and documents reflecting such terms and conditions) with entities who will construct the solar and transmission-related assets covered by the Build Transfer Agreement; and
- d. responses (and documents reflecting responses) to the Ameren Missouri's solar generation Request for Proposal

2. Information designated by Ameren Missouri as "highly confidential" shall be disclosed only to attorneys of record for all parties, to state agency parties and their employees covered by statutory confidentiality requirements, and to designated outside experts of any non-state agency party.

3. Except for attorneys of record for all parties, and employees of state agency employees covered by statutory confidentiality requirements, all persons authorized to access "confidential" information in this case shall complete the nondisclosure agreement attached to this order as Exhibit A.

4. Except for attorneys of record for all parties, and employees of state agency employees covered by statutory confidentiality requirements, all persons authorized to access “highly confidential” information in this case shall complete the nondisclosure agreement attached to this order as Exhibit B.

5. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

Nancy Dippell, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 16<sup>th</sup> day of August, 2022.

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

**NONDISCLOSURE AGREEMENT**

For Case No.: EA-2022-0245  
(To Access Confidential Information)

I, \_\_\_\_\_, have reviewed the Commission's Rule at 20 CSR 4240-2.135  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I have requested review of the confidential information produced in Case No. \_\_\_\_\_  
on behalf of \_\_\_\_\_.

I hereby certify that:

- (a) Only employees of a party that are acting as an expert for that party or that have been retained for this case as an outside expert for that party may receive confidential information;
- (b) An employee is a person in the service of his or her employer whose services are controllable by the employer;
- (c) I am an employee of \_\_\_\_\_ [state name of intervenor] acting as its expert and/or its employee who intends to file testimony in this docket, or I am an outside expert for \_\_\_\_\_ [state name of intervenor] retained to provide expert consultation or testimony in this docket;  
and
- (d) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135.

Dated on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature & Title

NONDISCLOSURE AGREEMENT

(To Access Confidential Information)

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Employer

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Party

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Address

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Telephone

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E-Mail Address

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

**NONDISCLOSURE AGREEMENT**

For Case No.: EA-2022-0245

(To Access Highly Confidential Information)

I, \_\_\_\_\_, have reviewed the Commission's Rule at 20 CSR 4240-2.135  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I have requested review of the highly confidential information produced in Case No.  
\_\_\_\_\_ on behalf of \_\_\_\_\_.

I hereby certify that:

- (a) Only an outside expert retained by a party in this case may receive highly confidential information;
- (b) I am an employee of \_\_\_\_\_ acting as an outside expert for \_\_\_\_\_ [state name of intervenor] retained to provide expert consultation or testimony in this docket;  
and
- (c) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135 and all terms of the Protective Order issued by the Commission in this docket.

Dated on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature & Title

NONDISCLOSURE AGREEMENT

(To Access Highly Confidential Information)

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Employer

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Address

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E-Mail Address


**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 16<sup>th</sup> day of August, 2022.**



  
**Morris L. Woodruff**  
**Secretary**



**MISSOURI PUBLIC SERVICE COMMISSION**

**August 16, 2022**

**File/Case No. EA-2022-0245**

**Missouri Public Service  
Commission**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.